

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

TIMOTHY WILLIAMS)	CIVIL ACTION NO. 2:07cv742-MEF
)	(CR. NO. CR-05-216-F)
Petitioner,)	
v.)	
)	
UNITED STATES OF AMERICA)	
)	
Respondent.		

AFFIDAVIT

STATE OF ALABAMA)
)
COUNTY OF MONTGOMERY)

I, JENNIFER A. HART, state the following:

1. I am an attorney admitted to practice law in Alabama, the Middle District of Alabama, the Northern District of Alabama, the Court of Appeals for the Eleventh Circuit, and the State of Georgia. I have been licensed to practice law in Alabama since 1994 and have been employed as an attorney with the Federal Defender Office for the Middle District of Alabama for 9 years

2. In order to prepare this affidavit, I have reviewed: (a) the Federal Defender's office file in United States v. Timothy Williams, CR-05-216-F; (b) Mr. Williams' Habeas Petition filed pursuant to 28 U.S.C. § 2255 and (c) conferred with counsel Kevin L. Butler. Details not provided by my review of the case file and pleadings are based upon my best recollection.

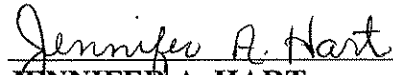
3. I was appointed by this Court to represent Mr. Williams following his arrest in September of 2005 and I represented him through his Change of Plea Hearing. Prior to sentencing, I withdrew from further representation due to a conflict of interest. Following my withdrawal,

Mr. Williams was represented by CJA Panel Attorney Tiffany Bullard McCord.

4. In his 2255 petition, Mr. Williams raises three claims of ineffective assistance of counsel: (1) counsel's failure to raise challenges at to subject matter jurisdiction; (2) that his arrest was unlawful; and (3) counsel's failure to file a direct appeal. As my representation of Mr. Williams was terminated prior to sentencing, the third ground raised by Mr. Williams does not concern my representation and, therefore, will not be addressed herein.
5. As to the other two claims, my review of Mr. Williams' petition reveals that he is asserting that his counsel's failure to raise a jurisdictional challenge to his case being presented in the Middle District of Alabama deprived him of the ability to assert an alibi defense which would have resulted in no term of incarceration being imposed. Mr. Williams asserts the same reasons as to why his arrest was unlawful. Therefore, Mr. Williams asserts, the judgment and sentence imposed in his case should be vacated.
6. With all do respect to Mr. Williams, he completely misstates the law governing federal jurisdiction as well as alibi defenses. Moreover, as charged in the Indictment and as sworn to be Mr. Williams, the offenses of which Mr. Williams were convicted occurred in Montgomery, Alabama. Consequently, he raises no meritorious claim.
7. As attorneys with the Federal Defenders Office are not required to raise erroneous legal and factual arguments, Mr. Williams claim of ineffective assistance of counsel is without merit.

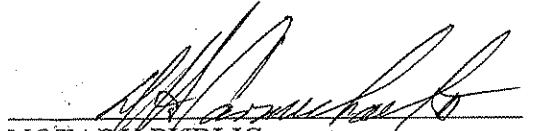
Dated this 10th day of September 2007.

Respectfully submitted,



JENNIFER A. HART
FEDERAL DEFENDERS
MIDDLE DISTRICT OF ALABAMA
201 Monroe Street, Suite 407
Montgomery, AL 36104
Phone: (334) 834-2099
Fax: (334) 834-0353
jennifer_hart@fd.org
AL Bar Code: HAR189

Sworn and subscribed to before me this 10th day of September, 2007.


NOTARY PUBLIC
My Commission expires: 6/21/09

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

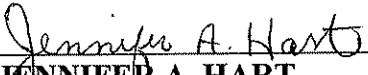
UNITED STATES OF AMERICA)	CIVIL ACTION NO. 2:07cv742-MEF
)	(CR. NO. CR-05-216-F)
)	
v.)	
)	
)	
TIMOTHY WILLIAMS)	

CERTIFICATE OF SERVICE

I hereby certify that on September 10, 2007, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Susan Redmond, Esquire
Assistant United States Attorney
One Court Square, Suite 201
Montgomery, Alabama 36104

Respectfully submitted,



JENNIFER A. HART
FEDERAL DEFENDERS
MIDDLE DISTRICT OF ALABAMA
201 Monroe Street, Suite 407
Montgomery, AL 36104
Phone: (334) 834-2099
Fax: (334) 834-0353
jennifer_hart@fd.org
AL Bar Code: HAR189